

Alliance for Lawyers at Risk

Hon President: Sir Henry Brooke CMG, PC

1b Waterlow Road, London N19 5NJ

Tel: (020) 7281 5371

E-mail: hb@fountaincourt.co.uk

9th May 2013

HE Khil Raj Regmi
The Prime Minister
Office of the Prime Minister and Council of Ministers,
Singh Durbar,
P.O. Box 23312
Nepal

Dear Prime Minister

We are writing to you as British lawyers and retired British judges. We naturally have a strong belief in the importance of the rule of law, and we note that the preamble to the Interim Constitution of Nepal expresses full commitment to human rights and the rule of law. We note also that Article 12(2)(f) of the Interim Constitution enshrines as a fundamental right the freedom of every citizen of Nepal to practise his or her profession: that of course includes the freedom of a lawyer to practise the legal profession.

We have become very concerned to learn that the Nepali lawyer Mandira Sharma, who is the chair of Advocacy Forum-Nepal and active in the defence of human rights, has received personal threats to her safety in the media in Nepal. In particular, we understand that statements have been made inciting public punishment and that “people’s action” should be carried out against her. We are told that “people’s action” is a term used during the civil war in Nepal to mean punishment by violent attack. Unfortunately, this appears not to be an isolated case as we understand that other human rights defenders in Nepal raising cases arising out of the insurgency have been threatened; and that Yadab Bastola, the director of Human Rights Alliance Nepal, was recently blindfolded and attacked with iron rods by unknown assailants.

The threats to Ms Sharma appear to be directly related to the decision to prosecute Colonel Kumar Lama in England on charges of torture, because as part of her work as a lawyer defending human rights Ms Sharma was involved in supplying evidence to the prosecuting authorities. The decision to prosecute here is taken by the Director of Public Prosecutions, an office that is entirely independent of the government, and the trial of Colonel Lama later this year will take place before a wholly independent judge and a jury. Accordingly, this is not a political prosecution. The case has received significant media coverage in the UK, which is likely to increase when it comes to trial in a few months’ time.

We hope that you and your government will do everything possible to provide adequate protection for human rights lawyers and defenders in Nepal. In that regard, we would, respectfully, emphasise the importance of ensuring the safety of Ms Sharma along with all witnesses and victims by whom evidence may be given at the trial. If any of them should

come to any harm, we have no doubt that this would receive considerable publicity not only in the UK but also elsewhere in Europe and, indeed, beyond. It would be regarded as

Alliance for Lawyers at Risk

Hon President: Sir Henry Brooke CMG, PC

1b Waterlow Road, London N19 5NJ

Tel: (020) 7281 5371

E-mail: hb@fountaincourt.co.uk

a serious stain on the reputation of Nepal and the commitment you have made to create a fairer and more just society.

Yours respectfully,



The Rt Hon Sir Henry Brooke, CMG

Hon President, Alliance for Lawyers at Risk and formerly a Lord Justice of Appeal

The Rt Hon Lord Phillips of Worth Matravers, KG

Formerly President of the UK Supreme Court

The Rt Hon Lord Woolf of Barnes

Formerly Lord Chief Justice of England

The Rt Hon Lord Brown of Eaton-under-Heywood

Formerly a Justice of the UK Supreme Court

The Hon Sir Nicolas Bratza

Formerly President of the European Court of Human Rights

The Rt Hon Sir Stanley Burnton

Formerly a Lord Justice of Appeal

The Rt Hon Sir Richard Buxton

Formerly a Lord Justice of Appeal

The Rt Hon Sir Anthony Hooper

Formerly a Lord Justice of Appeal

The Rt Hon Sir David Keene

Formerly a Lord Justice of Appeal

The Rt Hon Sir Stephen Sedley

Formerly a Lord Justice of Appeal

The Hon Michael Beloff QC

Sir Geoffrey Bindman QC

Consultant, Bindmans LLP

Alliance for Lawyers at Risk

Hon President: Sir Henry Brooke CMG, PC

1b Waterlow Road, London N19 5NJ

Tel: (020) 7281 5371

E-mail: hb@fountaincourt.co.uk

Kirsty Brimelow QC
Chairman, Bar Human Rights Committee

Nicholas Green QC
Formerly Chairman of the Bar of England and Wales, and chairman of the Advocacy Training Council

Sir Jeffrey Jowell, KCMG, QC
Director of the Bingham Centre for the Rule of Law

Richard Keen QC
Dean of the Faculty of Advocates, Scotland

Baroness Helena Kennedy QC

Sir Sydney Kentridge, KCMG, QC

Lord Lester of Herne Hill QC

Maura McGowan QC
Chairman of the Bar Council of England and Wales

Lord Pannick QC

Colin Passmore
Senior Partner, Simmons & Simmons LLP

Peter Robert
Senior Partner, Linklaters LLP

Lucy Scott-Moncrieff
President of the Law Society of England and Wales

Malcolm Sweeting
Senior Partner, Clifford Chance LLP

Michael Turner QC
Chairman, Criminal Bar Association

cc HE Dr Suresh C. Chalise
Ambassador of Nepal to the United Kingdom
